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EXAMINER

ZURITA, JAMES H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/487,387

Applicant(s)

LOPEZ, JR., LEONARD H.

Examiner

James Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 18 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Fig. 2, item 45 refers to Fig. 4. Fig. 4 lacks a reference number. Examiner believes the reference number is Fig. 2, item 45.

Fig. 2, item 47 refers to Fig. 10. Fig. 10 lacks a reference number. Examiner believes the reference number is Fig. 2, item 47.

Fig. 2, item 48 refers to Fig. 11. Fig. 11 lacks a reference number. Examiner believes the reference number is Fig. 2, item 48.

Fig. 2, item 49 refers to Fig. 16. Fig. 16 lacks a reference number. Examiner believes the reference number is Fig. 2 item 49.

Fig. 2, item 50 appears to refer to Fig. 20. However, Fig. 20 lacks a reference number. It is also unclear from the disclosures whether the correct reference should be Fig. 2, item 50 or Fig. 18, item 128.

Fig. 6 is missing a reference number. It is unclear from the disclosures what the reference should be.

Fig. 13 is identified by reference number 104. Item 104 appears only on Page 15, line 5. However, it is unclear from the specification whether Fig. 13 is also being referenced by Fig. 12 item 100.

Fig. 15 lacks a reference number. It is unclear It is unclear from the disclosures what the reference should be.

Fig. 17 lacks a reference number. Examiner believes the reference number is Fig. 16 item 117.

Fig. 18 lacks a reference number. Examiner believes the reference number is Fig. 17 item 210.

Fig. 19 lacks a reference number. Examiner believes the reference is in Fig. 18, the box that contains text that states "view approved orders." However, the box lacks a reference number.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "127" has been used in Fig. 18 to designate both "modify order" and "remove order".

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The text of Fig. 18, item 124 does not match the disclosures on page 16, line. The disclosures state "assign the sorted orders into the appropriate batches 124." Fig. 18 item 124 states "view profile."

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of Application No. 09/487392. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to an electronic commerce system that produces pre-process orders for printing. Printing professionals may have multiple types of printing machines and systems, and they may

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print business cards, letterhead, and other types of customized products according to customer-maintained profiles for user and companies. Professional printers also batch orders together for efficiency. Therefore, it would be obvious to include writing pads, address cards among customizable products, and to batch orders together in a printing system. One of ordinary skill in the art would be motivated to batch orders and to include other types of customized print products for the obvious reason that batching may create economies of scale, and expanding customized product lines may increase customer bases for a professional printer.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al, (US Patent 6,330,542).

As per claims 1-8, Sevcik discloses an electronic-commerce system for ordering print products, including various types of stationery. Users may enter orders, modify orders, and generate orders for print products (see at least references to print buyer

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component, Col. 5, lines 10-Col. 14, line 5). Users may create company and individual profiles (see at least Col. 1, lines 60-67, Col. 14, lines 16-22, Fig. 1A and related text concerning registration). Users may combine options selected from various interface templates and field lists (see at least screens for user interfaces, Fig. 2-8, 18, and related text).

Sevcik discloses the use of several interfaces, including at least an interface for selecting and requesting products (see at least Col. 1, line 1-Col. 2, line 16; Col. 3, lines 42-Col. 65), and an interface for processing products (see at least Col. 3, lines 66-Col. 4; Fig. 16 and related text, Col. 14, line 49-Col. 15, line 10).

In Sevcik, output contains information sufficient to enable professional printers and typographers to bid on and fulfill print orders. Sevcik merges specific profile data, data entered via entry fields on various interfaces according to templates and prototypes to produce pre-press files. Sevcik discloses the use of printing providers, pre-press firms, designers and other printing professionals to provide finished products (see at least Col. 6, lines 6, line 27-Col. 8, line 57 for customizable options; see at least Fig. 13 and related text concerning the use of specifications to produce price quotes for customized products, Col. 10, line 60-Col. 11, line 50).

Sevcik discloses that a standard for a product may include a template (see at least Col. 8, line 57-Col. 9, line 4). The standard record and specifications serve to completely define a company tailored product since the specifications are used for price quotes, saving estimates and other pricing items (Col. 9, line 14-Col. 14, line 5).

Profile data input by customers is used to create user profiles that are specific to a company and to a company's users (see Col. 14, lines 5-50, describing individual user accounts and master corporate accounts), as in claims 4-6.

Sevcik discloses that buyers may select products (see at least Col. 6, line 25-Col. 9, line 14), place orders for selected products and approve orders (see also references to Press Check, Col. 6, lines 64-Col. 7, line 2), as in claim 7.

Sevcik discloses that buyers may modify profiles, modify purchase orders and also to delete orders (see at least procurement management, Col. 14, line 5- Col. 14, line 45), as in claim 8.

As per claims 1-8, Sevcik does not use the words predeterminable profile, and he does not specifically disclose details concerning direct-to-plate command sets (claim 2) or copier command sets (claim 3).

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to include in Sevcik the use of various types of command sets known in the prior art and disclosed by applicant (see at least page 10, lines 1-7; page 10, line 21-page 11, line 8; page 12, lines 10-18; page 16, line 23- page 17, line 15).

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include in Sevcik the use of various types of prior art command sets (such as direct-to-plate and copier command sets) for the obvious reason that professional printers may have many different types of printing machines, depending on their specialties. The machines vary according to



manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. Variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike.

The inclusion of command sets may permit quicker processing of estimates because a printer knows that the data that forms part of the order may already includes some of a printer's own information. This information may allow centralized sites to send information that has already been verified as correct. This may reduce the amount of validation needed at a vendor, thereby reducing turn-around time for an estimate. Because a printer may provide estimates for orders more quickly than competitors, a printer is more likely to win a company's order, thereby making more money.

As per claims 9 and 10, Sevcik discloses interfaces for tracking and modifying orders (see claim 1, above). Users may change any variable in an order and produce new quotes for orders (see at least Col. 9, lines 5-10). Sevcik shows that buyers may monitor their orders (see at least Col. 14, lines 5-67, which describe that system data is instantly available to users of the system). Sevcik discloses that print providers may access production information, and may add, delete order information (See also Col. 16, line 1 - Col. 17, line 51). Sevcik discloses creation and use of personal home pages for entities that order products, where they may track jobs (see at least Col. 4, lines 5-12). Sevcik discloses that purchasers may view job status (see at least Col. 15, lines 10-67). Sevcik does not specifically describe that a purchaser's interface is adapted to modify his print order or to delete a print order.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to adapt a purchaser's interface to include modifying and deleting a print order, as per claims 9-10.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to adapt a purchaser's interface to include modifying and deleting a print order for the obvious reason that canceling and modifying purchase orders are a normal part of business. Businesses often provide new employees with stationery that contains the new employee's name, phone number, title, location. Businesses may also wish to change or cancel standing orders for print products when employees leave. Economic benefits to a central printing system may include lowered customer-service costs. Buyers may reduce their costs by being able to cancel orders at a last minute, thereby reducing printing expenses.

As per claims 11, 12, 13, Sevcik discloses that a DBMS may have an interface for input and that an interface may be used over the World Wide Web (see at least Col. 14, line 50- Col. 15, line 10, which teaches that once data is entered into a database through an interface, data is instantly available to a person placing an order and that data may be accessed from a personalized home page (Col. 14, line 50-Col. 15, line 10). Websites may be accessed from other nodes on the WWW by clicking or otherwise selecting appropriate links. On the WWW, nodes may play roles as both servers and clients.

As per claim 14, Sevcik discloses the use of networks and the Internet. A network is a group of two or more computer systems linked together; the computers

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may be called clients and servers. Editing and validation may be done on a client (client-side) and on a server (server-side) of an interface. These and other functions may be executed with scripting languages. As disclosed by applicant, scripting environments are well known to persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition, scripting may be implemented with a server-side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT (see application, page 12, lines 13-18). Scripting environments permit centralized electronic commerce sites to communicate efficiently with their clients, and to quickly include features into script codes.

As per claim 15, Sevcik discloses logon comprising security protocol (see at least Col. 14, lines 5-30, which describe that login and passwords may be required to access a print order system).

Sevcik does not specifically state that security is implemented via scripts. However, scripting is only one of many ways of implementing login and security protocols. Others may include server-side executable binary code implemented with classes and procedures.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sevcik with the use of various WWW tools, including hyperlinks, client/server logical and physical architecture and server-side scripting, login and password and other security protocols, as per claims 11-15.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Sevcik with the use of various WWW tools, including

hyperlinks, client/server logical and physical architecture and server-side scripting, login and password and other security protocols for the obvious reason that without these tools, it is extremely difficult to carry out electronic commerce. Using these tools greatly enhances the use of commerce sites, thereby increasing the flow of money and goods and generally improving the economy.

As per claims 16-19, Sevcik discloses interfaces having batch functions that control generation of pre-press products and batch functions that format customized orders into pre-press product formats, as in claims 16 and 19 (see at least description of job status and job history interfaces for both buyer and print providers, at least Col. 15, lines 10-67). Job status provides users with information concerning batch jobs and may include multiple orders information (see at least Fig. 16, and text describing job id numbers).

Sevcik discusses the use of databases and that electronic catalog may be stored in them (see at least Col. 6, lines 3-Col. 9, line 5), as in claims 17-18.

Sevcik does not specifically describe types of databases, and how different data is stored on databases. However, Relational databases are only some of the many types of databases that can be used to apply Sevcik. One of the principal components of a relational database is called a table. Categorizing data into order data and batch tables provides both logical and physical consistency for buyers and service providers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place order data into an order data table and batch data into a batch table, as per claims 16-19.

One of ordinary skill in the art at the time the invention was made would have been motivated to place order data into an order data table, and batch data into a batch table for the obvious reason that databases in general require physical and logical design. Relational databases are well known. Numerous well-tested products exist to manage tables and relational systems. Software may include ORACLE, IBM DB2, and others; these relational databases access data via Structured Query Language/SQL. Thus it would have been obvious to one of ordinary skill to use tables and relational databases because they are easy to use and implement. These and other features of relational models and application allow increased electronic commerce because they are dependable. Increased dependability means that more orders and purchases may be made over networks.

As per claim 20, Sevcik discloses ordering and printing different types of customized print products, including letterheads, business cards, envelopes, and mailing labels (Col. 2, lines 1-7; see also at least Col. 6, line 3-Col. 8, line 56).

Sevcik does not specifically disclose ordering and printing writing pads and address cards.

Therefore, it would have been obvious to one of ordinary skill in the art to include writing pads and address cards among selections in a catalog for ordering and printing. One of ordinary skill in the art would have been motivated to include writing pads and address cards among selections in a catalog for ordering and printing for the obvious reason that they are printed products and are in common use by both companies and individuals. A company may prefer to order most or all its printed products from one

central site, rather than spending more time and money by ordering products from multiple sites. Adding these and other print products thereby increases the business of centralized sites, saves time and money, and makes it easier to buy print products.

At least these additional prior art references disclose electronic commerce methods such as described by applicant:

Smith et al., US Patent 5,964,156, filed 3 June 1998 and issued 12 October 1999. Smith relates to a workflow in a prepress printing system. Smith is important in that it discloses system and methods for preparing printing instructions that relate to image and text positioning within the context of client/severs in networks.

Roth et al., The Publishing Face-off, February 1996, Macworld, v. 13, n. 2, page 124. Accessed from DialogWeb 4 June 2002, accession number 01899559. Roth et al describe and compare different types of printing, including XDATA.

Simone, Luisa, The Changing of the Guard, 9 February 1993, PC Magazine, v. 12, n. 3, p. 23. Accessed from DialogWeb 4 June 2002, accession number 03863064. Simone discusses XDATA and other extensions to the printing profession, as well as pre-press products.

Dyson, Xtensions to Quark Xpress, Seybold Report on Desktop Publishing, 8 June 1992, v. 6, n. 10, p. 3. Accessed 4 June 2002 from DialogWeb, accession number 01520910.

Thus, the suggestion and motivation to combine Sevcik with other prior art exists even without benefit of applicants' disclosures on page 10, lines 1-7; page 10, line 21- page 11, line 8; page 12, lines 10-18; page 16, line 23- page 17, line 15.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9325 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

J2 James Zurita  
Patent Examiner  
Art Unit 3625  
June 11, 2002

  
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